Is A "Temporary" Return to Fascism Being Prepared in Italy? See Page 4.

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The Fatal Decisions Have Already Been Made

The picture in our minds of the atom bomb is of something that we have stockpiled in a kind of dark closet, which can be taken out and used if we so choose. But enough is known to indicate that this is misleading, that the atom bomb is not just another new weapon which can be held in reserve like poison gas or germs; it is a revolution in warfare.

There is now a whole growing family of atomic and hydrogen weapons adapted for use in various situations by various branches of the armed services. And if atomic weapons are being adapted to the strategic and tactical needs of the various services, then these services in turn must be adapted to the use of atomic weapons.

If one prepares to wage atomic war, one must recast one's army, navy and air force radically. This means that we are confronted with a decision of policy quite different from taking a bomb out of a stockpile. Once the basic decision is taken to make the next war atomic, many other decisions follow which make the first difficult, and perhaps in practice impossible, to reverse. For the war begins with armies, navies and air forces trained to attack with, and defend themselves against, fission and fusion weapons. The die that may mean the destruction of civilization is not only cast but loaded in advance.

What Montgomery Revealed

It is against this background that attention should be called to a talk given in London a week ago by Field-Marshal Lord Montgomery. With Generals Gruenther and Norstad, Montgomery is one of the triumvirate which commands the NATO forces. He spoke on "A Look Through A Window at World War III." And what he said, according to the London *Times* next morning (Oct. 22) was that "at Supreme Allied HQ they were basing all their operational planning on using atomic and thermonuclear weapons in their defense, and this called for a certain reorganization of their forces and in their strategy."

It is sometimes assumed that we will not use nuclear weapons unless the enemy does. But Montgomery made clear in London, as he did in a speech a few weeks earlier at Ankara, that we would use nuclear weapons for defense against attack, *whether that attack was atomic or not.* The decision has been made, the armed forces shaped, for atomic war.

In the light of these military realities, the renewed debate at the UN over atomic disarmament between the U.S. and the U.S.S.R. takes on a new significance. This debate is again plunged into another lengthy and arid veto-and-inspection controversy. This controversy—pitched in these terms—is insoluble. For there is no way to convince either side that any system of inspection and control may not be evaded or abused by the other.

Unreal But Poisonous Controversy

The whole controversy in some ways is nonsense. Atomic weapons cannot be made in washtubs, nor launched without the most extensive measures of mobilization, dispersion, and defense in preparation for the retaliatory blow from the other side. As Montgomery said, the purpose of having active forces "in being" in peacetime "would make it impossible for the east to launch an attack successfully without a preparatory build-up of their forces, which we would know about." No iron curtain could hide the preparatory measures required to launch an atomic world war.

Nevertheless there is no way to convince the American public that the Russians might not make and catapult bombs in secret from some hide-away in Siberia, nor convince the Russians that the Americans might not utilize inspection to spy out the prime bombing targets of the U.S.S.R. In this atmosphere to debate veto-and-inspection, as Lodge and Vishinsky now are doing, is worse than hopeless. The world public is lulled into a false sense of complacency by the debate, while the real decisions have already been taken, the military vested interests on both sides built up, a juggernaut created which can move in one way only, the way of the A, the H and soon the C bomb.

It is this which makes the Krishna Menon proposal of last week so crucial. There was a kind of cosmic comedy in the way U.S. and U.S.S.R. hastily joined hands in shelving and thus shutting off General Assembly debate on the Indian proposal for a "truce" in the testing of new atomic and hydrogen weapons. This proposal, which was first made by Nehru last April and endorsed by Indonesia and Burma, alone offers a simple and enforceable way to put a stop to the atomic arms race, to ease tension and thereby to create an atmosphere in which further agreement may become possible. A "truce on tests" is self-enforceable because the new weapons are so powerful that if exploded their radioactivity is detectible anywhere on earth.

India spoke for mankind when its representative challenged the criminal rubbish on our side about using the atomic bomb "only in defense against aggression." Both sides in every war always claim to be *aggressed.* Menon uttered what may prove to be the prophetic epitaph of our civilization when he said use of H bombs would prove "suicide for the nations who used them, genocide for those against whom they were used, and infanticide for posterity." If there is still a peace movement left in America, this must be its platform. As a first step away from mutual destruction, no more tests.

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New AEC Commissioner Is Pro-Oppenheimer, But Anti-Russian

General satisfaction has been expressed with the appointment of Dr. John Von Neumann as the new member of the Atomic Energy Commission. His scientific qualifications are indeed dazzling. Dr. Von Neumann is one of the great mathematicians of our time, with a record of past accomplishment in the development of the atomic and hydrogen bombs. His defense of Oppenheimer before the Gray board and his criticism of security standards last June before the House Government Operations Committee (in testimony just released on October 19) will make the appointment a pleasing one to the scientific community.

At the same time Dr. Von Neumann has other qualifications which may explain his choice by AEC Chairman Lewis Strauss. The co-author of the abstruse "Theory of Games" has no moral qualms about the H bomb. When asked about the morality of the H bomb during the Oppenheimer hearings, Dr. Von Neumann replied "My view on that is quite hard-boiled." He was one of the few scientists who was for the building of the H bomb from the start. Dr. Von Neumann was also one of the few who was never friendly to Left. "I must say," he told the Gray board, in discussing security standards during the last war, "that I considered Russia an enemy from the beginning to the end, and to now, and the alliance with Russia as a fortunate accident that two enemies had quarrelled."

Dr. Von Neumann's background explains this early anti-Communist orientation. He is of Hungarian origin, and his family fled the country "very soon after the Communists took power" just after World War I. "As you grew up," he was asked during the Oppenheimer hearings, "did you and your family regard Russia as a sort of natural enemy of Hungary?" He answered frankly, "Russia was traditionally an enemy of Hungary . . . I think you will find generally speaking among Hungarians an emotional fear and dislike of Russia." Dr. Von Neumann will have no trouble getting his appointment confirmed.

Judge Youngdahl Refused to Be Intimidated

U.S. Attorney Leo Rover, a little bantam of a man, pounded the lectern and told the Judge he should be "American enough" to step out of the Lattimore case. Judge Luther W. Youngdahl, silver-haired, with a ruddy Scandinavian complexion, sat high above him listening with a face like a rock. Rover sounded like a District Attorney haranguing a jury in an old-time Wobbly prosecution.

The high—or low—point of his attack on the Judge for bias and prejudice came when Rover cried, "I am afraid we are developing a system of legal philosophy in this country that seems to be concerned only with the defendant . . ." This new-fangled philosophy is sometimes referred to as the presumption that a man is innocent until proven guilty.

Though upheld on appeal by David Lawrence and George Sokolsky, Rover affronted the entire bench in this district. So did Brownell by having one of his special assistants certify that the affidavit of bias and prejudice was filed in good faith. The law, as stated in the leading case, *Berger v. U.S.*, is very clear that such an affidavit must be "based upon something other than rulings in the case." The affidavit is also supposed to be "timely." This one was not filed until after the Judge had been upheld by the Circuit Court.

Were lawyers allowed to act as the government did in this case, they could ask a judge to disqualify himself if they did not like his rulings on the preliminary motions before a case went to trial. The motion in the Lattimore case deserved its dismissal as "scandalous." Rover's argument was an aspersion not only on Youngdahl but on the respected Chief Judge Laws of the district who had again assigned Youngdahl to the case.

Lawrence and Sokolsky made much of Rover's argument that Youngdahl had no right to refer to the Tydings and McCarran committee hearings for background in throwing out the main count of the first Lattimore indictment. But the Court of Appeals in upholding Youngdahl said the government "not only referred to but quoted extensively from the hearings" of those two committees in arguing the appeal, as the record shows that it also did in the District Court. A feebler legal case could hardly have been imagined, and an attempt to intimidate met with a Judge who would not be frightened from doing his duty. The country is indebted to him.

A Quick Look Round A Troubled World

Israel: The latest issue of the *Jerusalem Post* (Sept. 27) to arrive here carries a dispatch from its well-informed London correspondent, George Lichtheim warning, "Everything that is known about the official Anglo-American viewpoint suggests that as soon as the American Congressional elections are safely over pressure will be applied to make Israel accept both frontier readjustment and financial reparations to the refugees, while the Arabs will be asked for nothing more than the signature of a peace treaty."

Soviet Bloc Justice: Improving. The release of Herman Field by Poland on the heels of the public confession of frame-up by the defector, Joseph Swiatlo, is encouraging. Now the question is—what happened to his brother, Noel, who disappeared in May, 1949, in Prague, and later Noel's wife, Herta? There is no reason whatsoever why "building socialism" requires the kind of secret police frame-ups admitted in Russia, Hungary and now Poland since the death of Stalin, nor why accused persons should not have the same right of public trial, legal counsel and appeal that exists in the West. One item that would grace Moscow's agenda in improving relations would be to clear the name of Anna Louise Strong, so rudely branded a spy and expelled without a hearing of any kind.

Indo-China: An undercover struggle is going on between the U.S. and France over South Vietnam. The Pentagon and the State Department would like to deal directly with the present government there, and to build up its armed forces to the point where it could put down popular dissatisfaction and disunity. If the State Department has its way, there will be no elections in 1956, as promised by the Geneva accord. Those elections would almost certainly be won by Ho Chi-minh and lead to the unification of the country under his rule. Despite everything, Washington still thinks of Indo-China in military terms and is blinded by its own propaganda about "enslaved millions." One observer has just reported, "Practically every American who witnessed the Communist occupation of Hanoi testifies that it was orderly and that the people genuinely welcomed the Communists." This quotation, which illustrates what official opinion refuses to see, is not from the *Daily Worker* but from the October 29 issue of David Lawrence's *U. S. News and World Report.*

Signs of the Times: Labor's League for Political Education, A. F. of L., did not include the vote on any civil liberties bill in the compiled Senate and House voting record (1947 through 1954) it sent out just before election. Neither the votes on wire-tapping nor the amendments subjecting labor unions to the Subversive Activities Board nor the immunity bill was thought important enough to include though labor union representatives opposed all three. By contrast space was found for the vote on the George motion of 1949 which would have cut $200,000,000 from the Military Assistance Act. Labor listed a vote for this motion as "wrong."

The Elections: We went to press the Thursday before the results were in, and will report on them next week.

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That Humphrey-Morse Amendment Which So Alarmed the Press Last August

Little Attention Paid to First Test of New Thought Control Law

Washington—When the late Mr. Justice Jackson was the chief counsel for the U.S. in the prosecution of the Nazi criminals at Nuremberg, he said of the legal system devised by the Hitlerites, "Laws were enacted of such ambiguity that they could be used to penalize almost any innocent act."

The characterization as aptly applies to the Communist Control Act hastily introduced in the closing days of the last Congress by panicky Democrats, particularly to the Humphrey-Morse amendment, now Section 5 of that Act (the official text may be found in our September 16 issue). This amendment established 13 criteria for determining who is a Communist. These are so vague that they brought alarmed protest at the time from many quarters.

The papers which were so alarmed last August are already indifferent in October. Only a handful of persons were on hand here last week when these new provisions were argued for the first time before the Circuit Court of Appeals. The case was the appeal of the Communist party from an order of the Subversive Activities Control Board requiring it to register. Three judges, Prettyman, Bazelon and Danaher heard the appeal last spring but ordered the case reopened for argument on September 13 to determine the effect of the new legislation.

This case is a time-bomb. If the registration order against the Communist party is finally upheld, any Communist who fails to register will face a fine of not more than $10,000 or imprisonment for not more than five years, or both.

How Do You Tell?

How to determine who is a Communist? This is where the Humphrey-Morse Amendment comes in. Its criteria do not require normal proof, a membership book, paying dues, attending meetings. Instead they set up standards which would make it possible to convict anyone of membership who had ever done anything "to carry out in any manner and to any degree the plans, designs, objectives or purposes of the organization."

It would not be necessary to prove that a man was directed by the Communists. It would only be necessary to show that at some time and in some degree he had helped to further some objectives of the Communist party.

The Act does not say that these must be unlawful objectives. It covers any objectives. Since the Communists have favored almost every social reform from collective bargaining to old-age pensions, this covers a territory wide enough to enable a future government imbued with McCarthyite standards to send all kinds of people to jail for failing to register themselves as "Communists."

The dilemma that will face non-Communist radicals and liberals if this law is upheld was vividly pictured by defense counsel for the Communist party, John J. Abt and Joseph Forer (the late Vito Marcantino was chief counsel).

Even the Hermit Unsafe

"If such an individual decides not to register," they told the court, "he must of course take every precaution to avoid doing anything that can be used as evidence of membership. He must not express a view on any question until he has first ascertained petitioner's [i.e. the Communist party's] position. Thereafter, he must either give voice to the contrary opinion or remain silent. He must abstain from association or communication with any person who is a member of petitioner. And since he has no way of determining who may be found to be a member, he must shun association or communication with all men. Prudence therefore dictates that he live the life of a hermit. But there is no safety for him even in that course. Since the criteria of Section 5 are unlimited as to time, he may be dragged from his hermitage to be tried and convicted on the basis of some incident in his remote past."

When this case was first argued last Spring, the government insisted that the only issue involved was whether it could require the Communist party and Communists to register, as foreign agents are required to register.

But a man who registers as a Communist faces a quite different situation from one who registers as a foreign agent with the Department of Justice. All kinds of publicity firms, advertising agencies, writers and speakers are registered with the Department as foreign agents. The fact of registration as such carries neither disgrace nor private and public sanctions.

Self-Outlawry by Registration

But to register as a Communist under this Act and in this atmosphere is to outlaw oneself from society. Under the Act, it is made a crime for a Communist even to *apply* for a passport. It becomes a crime for a Communist (under the new amendments of last August) to hold office or employment with any labor union or—on the other side of the fence—"to represent any employer" before the National Labor Relations Board. In addition any organization in which a registered Communist works is itself in danger of being forced to register as "Communist infiltrated."

This far from exhausts the roster of penalties which face a man who registered as a Communist. All kinds of laws, state and federal, subject Communists to many kinds of prosecution for sedition and conspiracy; provide for their deportation and denaturalization; bar them from housing projects and other benefits. Communists may be disbarred or refused the right to practice their professions. Finally few employers in any business would hire a man who was a registered Communist. His plight will be that of a "non-Aryan" in the Third Reich, forced to wear the badge of shame and suffer all the liabilities of second-class citizenship.

The government's own lawyers showed themselves queasy about the new legislation in their argument. Their strategy has been to try and evade as many issues as possible. Last spring they tried to avoid the broader questions of constitutionality. When the court ordered the case reopened, government counsel touched last and lightly on Section 5, and hurried on as if the less said about it the better. Their argument was that Section 5 "merely lists certain matters of circumstantial proof to be considered by a jury" and that "such evidence would not, by any means, necessarily be conclusive."

A non-Communist radical or liberal would in other words be free to rebut the inferences drawn by the prosecution. He would be free to try and prove that his advocacy or promotion of certain Communist causes did not mean that he was a Communist. But this would also mean that the burden of proof would be on him.

Section 5 vividly illustrates the dangers for non-conformist political thought of an act which singles out one party for outlawry, lumps together lawful and illegal activities, proscribes both alike, and then having driven the Communists underground must snoop, prod and speculate on who is a Communist. This is the evil Truman foresaw when he vetoed the Internal Security Act in 1950, and this is the evil which is inescapable when a government sets out to police ideas instead of confining itself to prosecuting crimes.

OUR 3rd BIRTHDAY COMING

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Is The Guatemalan "Free World" Farce to Be Played in Italy, Too?

Lippmann Reports Talk of "Temporarily" Resorting to Fascism Again

Two reports by Walter Lippmann last week from Italy are disturbing. They reflect a readiness to relapse into a Fascist solution for Italy's problems. He found (Oct. 19) that the Christian Democratic party lacks "the will, the energy, the purpose and a good reputation for integrity." By contrast, the Communists and the Left Socialists are not only a power among the workers and the South Italian peasantry but have acquired "great support and influence in the middle class."

Lippmann reports the possibility that the Left might win an election. But he says the non-Communist parties control the State, the army and the police and are determined not to give up power "if they fall behind in the count of heads." The phraseology is instructive. The high rhetoric of the democratic mystique is suddenly deflated, and we have a mere "count of heads."

Mr. Lippmann reported (Oct. 21) a talk with an Italian official. This official after telling about the decision not to give up power if voted out, added: "of course the answer will require actions which will in fact put in charge of our affairs soldiers, policemen and men who are temporarily akin to the Fascists."

The next remark indicated that his interlocutor himself was not so sure about the "temporarily." He went on to tell Mr. Lippmann, "So we shall avert the Communist danger but the price may be the loss of our democracy and our liberties."

Mr. Lippmann is a responsible journalist with access to the highest circles. The talk reflects an attitude of mind which is very dangerous. It accepts the failure of democratic forces to deal adequately with Italy's problems and acquiesces again in the use of the bludgeon and terror.

Is this a trial balloon to prepare opinion for a new rightist dictatorship in Italy? Mr. Lippmann is ready to enlist, and thinks only "the basic decision should be brought into the open." He does not give the answer Mr. Justice Holmes once gave in a famous case. "If in the long run," Holmes said in *Gitlow v. New York,* "the beliefs established in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way." This is too exhilirating a faith for syndication.

Ungrateful Germans

"Near Kaiserslautern some 30 atomic cannon from the United States have been installed, able to fire at a range of many miles (some say 80), using shells like the Hiroshima bomb. Dr. Adenauer thanked the U.S. for these guns. The inhabitants of Mannheim, Ludwigshaven, Mainz, living 80 miles west of those guns, have not."

—Berlin dispatch, Peace News (London), Oct. 15.

Now, as Mr. Lippmann recognizes, there is probably not going to be a revolution in Italy. Moscow will do its best to prevent it, because a revolution in Italy would almost certainly bring World War III. The Soviet Union is more interested in obtaining a breathing spell for its own industrialization and China's.

But and this is the real point, the mood Mr. Lippmann reports lets the Italian capitalist and landowning class know in advance that they need make no reforms because the government will use force to put down discontent. To do this is to remove whatever pressure there is on the most backward and corrupt ruling class in Western Europe. The liberal reformers and the Fanfani left of the Christian Democrats will lose all leverage.

A free society must live dangerously or it cannot live at all. It cannot be *half* free. Its health depends on a tug-of-war in which revolutionaries may play a useful role by frightening ruling class elements into necessary reforms. To say in advance that the "count of heads" will be disregarded by force is in turn to do more than block the peaceful way to power of the revolutionaries. It requires by its dynamic and logic—the logic of Fascism—the suppression of all elements which favor social change or criticize repression.

Mr. Lippmann reflects an attitude of mind which threatens again to make people in Italy choose between dictatorship of the right or left. In the context of Italy, where the latter—as Mr. Lippmann also recognizes—at least can provide social reform and industrial development, there is no doubt on which side the majority will be. The path sketched out by Mr. Lippmann can only lead to disaster, or to creating in Italy another and bigger Guatemala to disgrace "the free world."

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